

## REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the following remarks is respectfully requested.

### 35 U.S.C. 102(e) Rejections

Claims 1-4, 8, and 9 have been rejected under 35 U.S.C. 102(e) as being unpatentable by each of Kapusniak (US 2005/0157147) and Kapusniak (US 2005/0158486). According to the Examiner, each Kapusniak reference discloses an inkjet recording element containing a support having thereon an ink receiving layer containing particles of an aluminosilicate (abstract), and further discloses that the aluminosilicate can be acidic (referencing paragraph 40 of Kapusniak '147, and paragraph 39 of Kapusniak '486). Applicants respectfully traverse the Examiner's rejection, and request reconsideration.

Each of referenced paragraphs 40 of Kapusniak '147 and 39 of Kapusniak '486 simply notes that synthetic allophone may be more amorphous and acidic than natural allophone, which, contrary to the Examiner's assertion of anticipation, does not equate to a disclosure of using allophone-type aluminosilicate particles (whether natural or synthetic) which particles have been submitted to an acidic treatment as required in accordance with the present claimed invention. The mere observation that synthetic allophone may be more amorphous and acidic than natural allophone does not amount to any teaching or suggestion to further submit either of such type of materials to a further acidic treatment for any reason. Rather, no such acidic treatment for any actually prepared synthetic particles is disclosed in either Kapusniak reference, and the present claimed invention is accordingly clearly not anticipated thereby. The rejections are accordingly in clear error, and should be withdrawn.

### 35 U.S.C. 103(a) Rejections

Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over each of Kapusniak '147 and Kapusniak '486). Claim 7 is apparently further intended to be rejected under 35 U.S.C. 103(a) as being

unpatentable over each of Kapusniak '147 and Kapusniak '486) in view of Schliesman (6129785), although the Examiner apparently mistakenly refers to 102(e) for such further presented rejection. Regarding Claim 6, the Examiner states Kapusniak discloses that the aluminosilicate makes up 5 to 30% of the particles in the ink receiving layer, and that while the applicant claims an ink receiving layer containing between 5 and 95% aluminosilicate particles, one of ordinary skill in the art at the time the invention was made would have considered the invention to have been obvious because the compositional proportions taught by Kapusniak overlap the instantly claimed proportions and therefore are considered to establish a *prima facie* case of obviousness. Regarding claim 7, the Examiner states that Kapusniak discloses the claimed invention except for giving the pH of the receiving layer, Schliesman teaches that coating compositions with acidic pH values have been found to have improved holdout of the ink jet ink dyes on the paper surface as compared to conventional alkaline coating compositions having basic pH values, and that it would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the pH through routine experimentation in order to optimize to the overall print quality which would have included the range claimed by the applicant. Applicants respectfully traverse the Examiner's rejections, and request reconsideration.

As explained above, contrary to the Examiner's initial rejection, each Kapusniak reference fails to teach acidic treatment of allophone-type aluminosilicate particles as required in accordance with the present claimed invention. The inventors have discovered that such claimed acidic treatment solves a problem of poor image stability over time which has been observed for inkjet recording elements employing allophone-type aluminosilicate particles in the ink-receiving layers thereof. As such problem and solution are not taught or suggested by either Kapusniak reference, the present claimed invention is clearly patentable thereover. Regarding the further reliance upon Schliesman, it is noted that such reference is directed towards ink jet recording medium comprising distinct silica and alumina particles, rather than allophone-type aluminosilicate particles. As Schliesman is directed towards solving distinct problems associated with distinct materials, there would be no teaching or suggestion to employ the pH values thereof specifically for solving the problem of

poor image stability when using allophone-type particles. In view thereof, it follows that the subject matter of the claims would not have been obvious over Kapusniak or Kapusniak in view Schliesman at the time the invention was made, and reconsideration of these rejections is accordingly respectfully requested.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over each of Kapusniak '147 and '486 in view of Doronin (RU 2205685). According to the Examiner, while Kapusniak does not disclose the means by which the aluminosilicate is made acidic, Doronin discloses a method for preparing aluminosilicate involving treatment with nitric acid (abstract), and it would have been obvious to one of ordinary skill in the art, having the teaching of Kapusniak and Doronin before him or her to modify aluminosilicate preparation method of Kapusniak to include the preparation of aluminosilicate involving nitric acid of Doronin because Kapusniak uses an amorphous aluminosilicate and the preparation method taught by Doronin could easily incorporated, with the suggestion/motivation for doing so having been that the preparation method taught by Doronin gives porous aluminosilicate composites suitable as adsorbents with increased strength of material (abstract). Applicants respectfully traverse the Examiner's rejection, and request reconsideration.

Doronin is specifically directed towards a method of preparing aluminosilicate composites composed of montmorillonite and alumina to form high-strength high-porous adsorbents and catalyst carriers. There is no teaching or suggestion that the acid treatment taught specifically for such montmorillonite and alumina materials would be useful in any way for other aluminosilicates such as allophone-type aluminosilicate particles for any reason, and certainly no teaching or suggestion to employ such acid treatment specifically for allophone-type aluminosilicate particles employed in an inkjet recording element in order to obtain improved image stability when employing such specific type of particles. As noted above, while each Kapusniak reference notes that synthetic allophone may be more amorphous and acidic than natural allophone, such observation does not equate to a disclosure of further submitting such allophone-type particles to an acidic treatment as required in accordance with the present claimed invention. While the purported

advantages of high strength and high porosity might suggest the use of the actual acid treated montmorillonite and alumina materials of Doronin in place of other types of aluminosilicate materials in order to avail oneself of the disclosed advantage of such specific materials, it does not teach or suggest acidic treatment of other types of materials in order to solve other problems as has been found to be useful in the present invention. In view thereof, it follows that the subject matter of the claims would not have been obvious over Kapusniak in view of Doronin at the time the invention was made.

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited. Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Andrew J. Anderson  
Attorney for Applicant(s)  
Registration No. 33,564

AJA:clb

Rochester, NY 14650

Telephone: (585) 722-9662

Faxsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.